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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
APPEAL TO THE BOARD OF APPEALS AND INTERFERENCES

IN RE APPLICATION

OF: **WITSCHET AL.**

SERIAL NO. **09/936,356**

FILED: **SEPTEMBER 11, 2001**

FOR: **TRICYCLIC BENZOYL PYRAZOLE DERIVATIVES**

TO: **COMMISSIONER OF PATENTS AND TRADEMARKS**



MAIL STOP:

AF

CONFIRMATION NO.:

4151

GROUP ART UNIT:

1626

EXAMINER: **R. L. ANDERSON**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents and Trademarks, Alexandria, Va 22313-1450, on:

June 16, 2005

Date of Deposit

Sabine Berg

Person Making Deposit

Signature

Sir:

1. **NOTICE OF APPEAL:** Applicant hereby appeals to the Board of Appeals from the decision dated February 16, 2005, of the Primary Examiner finally rejecting Claims 1, 5, 6, 8, 12, 14 to 16 and 23.
2. **BRIEF ON APPEAL** in this application is transmitted herewith.
 Applicants hereby request an Oral Hearing.
3. Applicants hereby request entry of their timely reply dated June 08, 2005, for purposes of appeal.
4. Applicants hereby petition for a 1/2 month extension of time under 37 C.F.R. §1.136(a).
 A petition for a first month extension of time including the requisite fee of -\$120.00- has been submitted along with the reply under 37 C.F.R. §1.116 dated June 08, 2005.
5. The following fee(s) in the amount of -\$500.00- is(are) paid by credit card (Form PTO-2038 enclosed):
 The \$ 500.00 fee required under 37 C.F.R. §41.20(b)(1).
 The 1/2 fee required under 37 C.F.R. §1.17(a).
 Charge the following fee(s) in the amount of 1/2 to Deposit Account No. 14.1437:
 The 1/2 fee required under 37 C.F.R. §41.20(b)(1).
 The 1/2 fee required under 37 C.F.R. §1.17(a).
 A fee is not required (Fee paid in prior appeal).
6. The Commissioner is hereby authorized to charge any fee which may be further required, or credit any over payment, to Deposit Account No. 14.1437. A duplicate copy of this sheet is attached.

Respectfully submitted,
NOVAK DRUCE DELUCA & QUIGG

Jason D. Voight
Reg. No. 42,205

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